

Appln No. 09/747,392

Amdt date November 29, 2004

Reply to Office action of September 29, 2004

REMARKS/ARGUMENTS

Claims 1-7 are currently pending in this application. Claims 4-7 have been allowed. Withdrawn claims 8-19 have been canceled. In view of the above amendments and remarks that follow, Applicant respectfully requests reconsideration, reexamination, and an early indication of allowance of claims 1-7.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig (U.S. Patent No. 6,243,594) in view of Komiya (U.S. Patent No. 6,510,208). Applicant respectfully traverses this rejection.

The Examiner contends that Silberfenig discloses all of the limitations in claims 1 and 2 except that Silberfenig does not disclose "a method of file header generation for generating headers for recorded speech files and the uplink signal carrying a first speech frame transmitted by the mobile set to a second device during a voice conversation" and "the downlink signal carrying a second speech frame received by the mobile set from the second device during the voice conversation." (Office action, section 3, par. 5). The Examiner relies on the disclosure in Komiya of a telephone apparatus with a memory for recording compressed voice messages to make up for the deficiency in Silberfenig.

Applicant submits that the combination of Silberfenig and Komiya is not proper because a person of skill in the art would have had no motivation or suggestion to make such a combination. The Examiner relies on FIG. 3 and the disclosure in column 5, line 58 to column 6, line 20 of Komiya to contend

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that it teaches "a method of file header generation for generating headers for recorded speech files" and the limitation of "the uplink signal carrying a first speech frame . . . and the downlink signal carrying a second speech frame . . . " as is recited in claims 1 and/or 2.

In the section relied on by the Examiner, Komiya teaches that audio data is compressed into packets, and that each packet is divided into frames with each frame being identified by a packet ID. The audio data that is compressed and identified by the packet ID in Komiya is digital audio data. The audio data being recorded in Silberfenig, however, is analog audio signals. The analog audio signals in Silberfenig are stored in an analog memory chip. Thus the frames and packet IDs disclosed in Komiya are not applicable to analog audio signals disclosed in Silberfenig.

In fact, Silberfenig leaches away from the use of any digital audio data:

"While prior art memory devices use digital technology, the present invention preferably uses an analog memory chip 28. An analog memory chip 28 is preferred because using a system that is entirely analog does not require the analog to digital and digital to analog converters required by a digital memory chip 28. The memory chip 28 of this combination 10 therefore also does not require a central processing unit ("CPU") chip. This savings in space is critical in cellular telephones because the market demands extremely small and lightweight cellular telephones." (Col. 4, lines 46-51).

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Even if, *arguendo*, the combination of Silberfenig and Komiya were proper, Applicant submits that such a combination still fails to teach or suggest all of the limitations of claims 1 and 2.

Claim 1 recites "an uplink/downlink switch for selecting speech frames from either an uplink or a downlink signal." The Examiner contends that Silberfenig discloses this limitation in figures 1 and 2, and column 3, lines 22-42. However, neither the record switch nor the mute switch disclosed in this portion of Silberfenig are for "selecting speech frames." Instead, the record switch controls the circuit between the disclosed memory chip and the microphone so that "[w]hen a record button 30 moves the record switch 32 from a non-recording position to a recording position, the circuit between the microphone 13 and the memory chip 28 is completed and sounds detected by the microphone 13, such as at least one verbal note made by a user 5, are recorded on the memory chip 28." (Col. 4, lines 57-63). With regards to the mute switch, the mute switch either engages or disengages the microphone to a transmitter/receiver based on the operation of a mute button so that when the microphone is disengaged, the user can record verbal notes on the memory chip without transmitting it to a recipient through the transmitter/receiver. (Col. 6, lines 3-14). Accordingly, Applicant submits that claim 1 is in condition for allowance.

Claim 2 recites "controlling a processor to identify speech containing time frames from at least one uplink and at least one downlink signal." (Emphasis added). There is no indication that the audio signals that are recorded in the devices

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disclosed in Silberfenig and Komiya are "speech containing time frames" as is required by claim 2.

Claim 2 also recites "recording the speech containing time frames from said uplink and said downlink signals such that each time frame is recorded sequentially with a time stamp for each time frame." This limitation is also not taught or suggested by either Silberfenig or Komiya.

In Silberfenig, only verbal notes generated by a user of the recording phone are stored. Silberfenig fails to teach or suggest "recording the speech . . . from said downlink signals" where the "downlink signal" carries "a second speech frame received by the mobile set from the second device during the voice conversation" as is recited in claim 2. In fact, Silberfenig teaches away from a device that records such "downlink signals:"

"The memory chip 28 is preferably not operatively connected to the transmitter/receiver 20, as in the prior art. By not connecting the memory chip 28 to the transmitter/receiver 20, this combination 10 allows the user 5 to record his or her own at least one verbal note, without inadvertently recording the other user 5. Since privacy is a big concern in today's society and the unauthorized recording of a conversation is illegal, this feature is an important element of this invention." (Col. 5, lines 13-21).

Conversely, in Komiya, only messages incoming to the recording phone are stored. That is, Komiya does not teach or suggest "recording the speech . . . from said uplink . . . signals" where the "uplink signal" carries "a first speech frame

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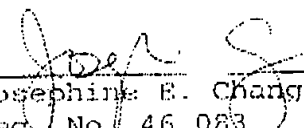
transmitted by the mobile set to a second device during a voice conversation." The device in Komiya is simply an answering machine integrated into the cellular phone which allows a caller to leave a message when the callee is unable to answer the call. Thus, Applicant submits that claim 2 is also in condition for allowance.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig in view of Komiya and further in view of Fox et al. (U.S. Patent No. 6,066,792). Applicant submits that claim 3 is also in condition for allowance because it depends on an allowable base claim, and for the additional limitations that it contains.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of claims 1-3, in addition to the already allowed claims 4-7.

Respectfully submitted,
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